

REMARKS

The Official Action mailed October 5, 2009, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on February 20, 2004; October 11, 2005; October 30, 2006; May 8, 2007; July 20, 2007; December 2, 2008; December 30, 2008; March 2, 2009; and June 4, 2009.

A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 12-14, 24-27, 63-84 and 89-113 are pending in the present application, of which claims 12, 24, 63, 67, 71, 75, 79, 103 and 108 are independent. Claims 12, 24, 63, 67, 71, 75, 79, 103, 108 and 110 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 12-14, 24-27, 63-84 and 89-113 under 35 U.S.C. § 112, second paragraph, asserting that the claims are "indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention" (Paper No. 20090928, page 2). Specifically, the Official Action asserts that "the claims recite the limitation of 'a substrate' which appears to correspond to a substrate (10) shown in Figs 1A-1E," that "substrate 10 is a temporary substrate that is removed in manufacturing and thus corresponds to an intermediate structure" and that "[t]he claimed final product, shown in Figures 4A-4C, no longer includes such a substrate" (Id., pages 2-3). The Official Action therefore asserts that "the claimed product is directed to the final product; however it is unclear from the claims whether the substrate is remaining as part of the final product or if the substrate has been removed"

(Id., page 3). The Applicant respectfully disagrees and traverses the above assertion in the Official Action.

The specification discloses that a first label 40 is included in the final product, as shown, at least, in Figures 4A-4C. A substrate, as defined in the specification, may at least include a label. For example, a third substrate may be “a label, for example.” See paragraph [0048] of the pre-grant publication. Accordingly, the claimed limitation of “a substrate” corresponds to a final product that includes first label 40, for example, based on the disclosure of the specification. Therefore, it is respectfully submitted that claims 12-14, 24-27, 63-84 and 89-113, when read in light of the specification, particularly point out and distinctly claim the subject matter which applicant regards as the invention and are definite. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112 are in order and respectfully requested.

The Official Action rejects claims 63-66, 79-83, 98 and 102 as anticipated by U.S. Patent No. 6,509,217 to Reddy. The Applicant respectfully submits that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claims 12, 24, 103 and 108 have been amended to recite an antenna formed on the interlayer insulating film and in the same layer as the wiring, and independent claims 63, 67, 71, 75 and 79 have been amended to recite an antenna provided on the interlayer insulating film and in the same layer as a wiring connected to the impurity region. These features are supported in the specification, at least, by Figure 4A and paragraphs [0069] and [0072] of the pre-grant publication. For the reasons provided below, Reddy does not teach the above-referenced features of the present invention, either explicitly or inherently.

The Official Action asserts that Reddy discloses "an antenna (68/70) provided on the interlayer insulating film" (Paper No. 20090928, page 4). Reddy appears to merely disclose, in Figure 2, sequential steps of DEPOSIT SiO₂ 42, PHOTOLITHOGRAPHY TO CREATE VIAS 48, DEPOSIT CONTACT METAL 50, LITHO TO DEFINE SOURCE AND DRAIN METAL 56, DEPOSIT PAD CONTACT METAL 66, LITHO TO DEFINE SOURCE AND DRAIN CONTACT TO THE PAD 68 and PRINT ANTENNA 72 in Figure 2. However, it is respectfully submitted that Reddy fails to disclose, either explicitly or inherently, that the antenna is formed in the same layer as the asserted wiring.

Since Reddy does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

The Official Action rejects claims 13, 14, 24, 25, 27, 67-70, 89, 90, 92, 96, 97, 99, 103-109 and 111-113 as obvious based on the combination of U.S. Publication No. 2003/0032210 to Takayama and Reddy. The Official Action also rejects claims 26, 75-78, 93, 94, 101 and 110 as obvious based on Takayama, Reddy and U.S. Publication No. 2002/0027247 to Arao and rejects claims 71-74 and 100 as obvious based on the combination of Reddy and Arao. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found

either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Please incorporate the arguments above with respect to the deficiencies in Reddy. Takayama and Arao do not cure the deficiencies in Reddy. The Official Action concedes that Takayama fails to disclose an antenna (Paper No. 20090928, page 6). Therefore, it is respectfully submitted that Takayama, either alone or in combination with Reddy, fails to disclose an antenna formed on the interlayer insulating film and in the same layer as the wiring or an antenna provided on the interlayer insulating film and in the same layer as a wiring connected to the impurity region.

Furthermore, the Official Action relies on Arao to allegedly teach "a protective film of DLC (figure 10B element 704) provided on a thin film integrated circuit" (Id., page 9). However, Reddy, Takayama and Arao, either alone or in combination, do not teach or suggest an antenna formed on the interlayer insulating film and in the same layer as the wiring or an antenna provided on the interlayer insulating film and in the same layer as a wiring connected to the impurity region. Since Reddy, Takayama and Arao do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

In addition, at this opportunity, dependent claim 110 has been amended to correct a minor informality.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Respectfully submitted,



Eric J. Robinson
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.
PMB 955
21010 Southbank Street
Potomac Falls, Virginia 20165
(571) 434-6789